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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,257	12/29/2000	Scott D. Leapman	1955	8991
30408	7590	06/09/2004	EXAMINER	
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DR., Y-04 N. SIOUX CITY, SD 57049			DINH, TAN X	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 06/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,257

Applicant(s)

LEAPMAN, SCOTT D.

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1) The information disclosure statement (I.D.S) filed 1/17/2001 has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

2) The information disclosure statement (I.D.S) filed 4/04/2001 fails to comply with the provisions of 37 CFR 1.98(b)(5) and MPEP § 609 because " Each publication listed in an information disclosure statement must be identified by publisher, *author (if any)*, *title*, relevant pages of the publication, *date*, and place of publication ". It has been placed in the application file, but the information referred to therein has not been considered as to the merits.

Applicant is advised that the date of any *re-submission* of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

3) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested.

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MP-3 RECORDING SYSTEM CAPABLE OF CONVERTING THE CONTENT ON
A RECORDABLE MEDIA INTO DIFFERENT FORMAT.

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

5) (e) the invention was described in:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6) Claims 1-5,7-20,22 are rejected under 35 U.S.C. 102(e) as being anticipated by KELLER et al (6,587,404).

KELLER et al discloses a recording station as claimed in claim 1, comprising:

An interface (Fig.4, 98);

A driver capable of receiving a recordable media having content recorded thereon (Fig.4, CD drive 58);

A converter capable of converting content recorded on recordable media to another format (Fig.4, CPU 94 converts the audio signal from CD drive 58 into MP-3 format and records into data storage structure 106).

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As to claims 2,10 and 16, KELLER et al shows single action is actuating a button located on the interface (Fig.4, input key 98. Fig.2, control 34).

As to claims 3,11 and 18, KELLER et al shows recordable media is CD, MD, laser disc or DVD (Fig.4, 58, 108).

As to claims 4,5,12,13,15 and 22, KELLER et al shows a transceiver capable of transferring the content converted to a portable player (Fig.4, the converted content from recordable media is transferred to a portable player (CD player, DVD player, etc.,) 108 via disc subsystem bus).

As to claim 7, KELLER et al shows a second drive capable of receiving a second recordable media (figure 4, second disc unit 108).

As to claims 8 and 14, KELLER et al shows another format is MP-3 compression standard (column 21, line 51 to column 22, line 7).

Claims 9 and 20 add to claim 1 the features of loading a recordable media into a converting device (which is shown in figure 4, the CD is loaded into CD drive 58) and selecting the content stored on the recordable media to be converted (in this case, any contents recorded on CD loaded into CD drive 58 are capable of converting to MP-3 format).

As to claim 17, KELLER et al shows another device is a portable player (Fig.4, Secondary disc unit 108).

As to claim 19, KELLER et al shows a converter capable of converting content recorded on recordable media to another

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format (Fig.4, CPU 94 converts the audio signal from CD drive 58 into MP-3 format and records into data storage structure 106).

7) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8) Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over KELLER et al (6,587,404).

KELLER et al discloses all the subject matter claimed as in claims 6 and 21, except to specifically show a docking station capable of recharging a portable player. Official Notice is taken that docking station are widely used in the art for recharging power to any suitable recording/reproducing devices, transferring data to any suitable recording/ reproducing device or controlling the operations of any suitable recording/ reproducing devices when they connect to docking station either by hardwire or wireless, and therefore they are old and well known. It would have been obvious to use the old and well known docking station in a recording station such as KELLER et al's because, in the absence of any new or unexpected result, selecting of a known material/element based on its suitability for the intended use is deemed obvious. In re LESHIN, 125 USPQ 416.

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9) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See form PTO-892 attached herein).

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR §1.111(c).

10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN X. DINH whose telephone number is (703) 308-4859. The examiner can normally be reached on Monday - Friday, 8:00AM - 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER

June 4, 2004